



Signed and Filed: January 29, 2010

A handwritten signature in dark ink, appearing to read "T. E. Carlson", is written over a horizontal line.

THOMAS E. CARLSON  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 08-30904 TEC
	)	
NGA TUY PHAM,	)	Chapter 7
	)	
	)	
Debtor.	)	
	)	
	)	Adv. Proc. No. 08-3073 TC
NGOC LAN THI NGUYEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
NGA TUY PHAM, YEN CHUNG, KENNY HUNG	)	
WAI NG, and QUAN THANH CHUNG,	)	
	)	
Defendants.	)	

MEMORANDUM RE POST-TRIAL MOTIONS

On December 4, 2009, the court held a hearing on Plaintiff's:

(1) Motion for a New Trial and to Amend Findings of Fact and Conclusions of Law; (2) Motion for Post-Trial Discovery; and (3) Motion to Supplement the Record. Robin E. Foor appeared for Plaintiff. Roberto Ripamonti appeared for Defendant. Upon due consideration, and for the reasons stated on the record at the hearing, the court hereby issues the following decision regarding those motions.

1       The motion to amend findings of fact and conclusions of law  
2 should be granted to the extent that the court should strike from  
3 the Memorandum Decision re Phase II of Trial (docket no. 85) (the  
4 Decision) the text on page 3, line 27, beginning with "In so  
5 finding, I rely in part. . ." through line 10, page 4 of the  
6 Decision. The purpose of this amendment is to eliminate any  
7 reference in the Decision to four bank accounts (three at Gateway  
8 Bank, one at Washington Mutual) (collectively, the Accounts) that  
9 were not admitted into the record, and upon which the court  
10 erroneously relied in part in the Decision.

11       The motion for new trial should be denied, because striking  
12 all reference to the Accounts does not change alter the conclusions  
13 of law in the Decision. The material facts controlling the  
14 conclusions of law are: there was only one note for a small portion  
15 of the amount allegedly owed by Defendant to Plaintiff; there was  
16 no regular documentation for the rest of the amount allegedly owed;  
17 and Defendant paid a substantial amount of money to Plaintiff.

18       The motion for post-trial discovery should be denied, because  
19 the discovery in question should have been conducted before trial.

20       Defendant's request for sanctions should denied be, because  
21 the motion to amend was substantially justified.

22                               **\*\*END OF MEMORANDUM\*\***  
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Court Service List

Robin E. Foor, Esq.  
Law Offices of Robin E. Foor  
2843 Alhambra Dr.  
Belmont, CA 94002

Roberto Ripamonti, Esq.  
Tsao-Wu, Chow and Yee  
685 Market St. #460  
San Francisco, CA 94105